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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,739	02/09/2004	Raghupathi Keshava Murthy	SVL920030125US1	1539
47069	7590	09/19/2006	EXAMINER	
KONRAD RAYNES & VICTOR, LLP			LEROUX, ETIENNE PIERRE	
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315 SOUTH BEVERLY DRIVE, SUITE 210			ART UNIT	
BEVERLY HILLS, CA 90212			PAPER NUMBER	
			2161	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,739

Applicant(s)

MURTHY, RAGHUPATHI
KESHAHA

Examiner

Etienne P. LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The metes and bounds of the claimed invention cannot be determined because “means for recognizing data sources conforming to the X/Open XA standards” claims a characteristic for the database engine that is inherently included in the standard. It appears Applicant is claiming an industry standard that is open to the general public and is therefore, subject to Public Use bar regarding patentability. Furthermore, paragraph 46 of the specification states “[t]he present invention provides a generalized solution to manage transactions at external datasources via an IDS transaction manager.” Still further, paragraph 56 states “[b]y conforming to a widely used standard such as the X/Open XA standard, the Informix dynamic servers would be in a position to adapt/integrate new data sources when necessary. The metes and bounds of the present invention cannot be determined because the following is not claimed:

- (1) the IBM Informix Dynamic Server (IDS)
- (2) the process of adapting/integrating the IBM Informix Dynamic Server (IDS)
- (3) the process of determining what comprises a new data source.
- (4) the scope of the X/Open XA standards, i.e., one or more standards of undefined extent

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by CICS Application Programming Guide by IBM Corporation and others (hereafter CICS APG), as best examiner is able to understand.

Claims 1, 8:

CICS APG discloses a transactional mechanism supporting heterogeneous distributed transactions, said transactional mechanism having means for recognizing data sources conforming to the X/Open XA standards, said data sources including structured and non-structured external data sources; and means for managing transactions in which said data sources participate [page 1]

Claim 2:

CICS APG discloses in which said transactional mechanism further comprises, for each of said data sources: means for supporting transactional events conforming to the X/Open XA standards, said transactional events including prepare, commit, rollback, redo, and undo [page 1].

Claim 3:

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CICS APG discloses support functions configured to support each recognized data source
[page 1]

Claim 4:

CICS APG discloses means for invoking said support functions at appropriate transactional events, said transactional events including prepare, commit, rollback, redo, and undo [page 1].

Claim 5:

CICS APG discloses in which said database engine supports at least one database application; wherein each of said data sources has one or more instances; and wherein said at least one database application interacts with said one or more instances via said database engine [page 1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over CICS APG in view of US Pat No 6,016,495 issued to McKeehan et al (hereafter McKeehan), as best examiner is able to understand.

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Claim 6:

CICS APG discloses the elements of claim 1 as noted above but does not disclose wherein each of said data sources is a resource manager assigned with a unique identifier. McKeehan discloses wherein each of said data sources is a resource manager assigned with a unique identifier [claim 22]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify CICS APG to include wherein each of said data sources is a resource manager assigned with a unique identifier as taught by McKeehan for the purpose of positively identifying a particular resource out of a plurality of resources.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over CICS APG in view of US Pat No 6,275,843 issued to Chorn (hereafter Chorn) as best examiner is able to understand.

Claim 7:

CICS APG discloses the elements of claim 1 as noted above but does not disclose wherein said transactional mechanism further comprises: means for generating and maintaining a global transaction ID for each of said heterogeneous distributed transactions; and means for producing a 2-phase commit transaction model for said data sources. Chorn discloses wherein said transactional mechanism further comprises: means for generating and maintaining a global transaction ID for each of said heterogeneous distributed transactions; and means for producing a 2-phase commit transaction model for said data sources [claim 1]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify CICS APG to

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include wherein said transactional mechanism further comprises: means for generating and maintaining a global transaction ID for each of said heterogeneous distributed transactions; and means for producing a 2-phase commit transaction model for said data sources as taught by Chorn for the purpose of providing a global transaction identifier of which the plurality of server requests are a part.

Regarding claims 9-16, examiner maintains that such claims can be rejected on a similar basis to the above.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

9/15/2006

Et LeRoux
Primary Examiner